UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,547	03/10/2004	Blayn W. Beenau	03292.101090.10	2546

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EXAMINER
CHAMPAGNE, LUNA

ART UNIT	PAPER NUMBER
3627	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/708,547	BEENAU ET AL.
Office Action Summary	Examiner	Art Unit	
	LUNA CHAMPAGNE	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 January 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *1/24/08*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

The amendment filed on 01/24/2008 is acknowledged. Claims 1-20 are presented

for examination. Claims 1, 8, 13 are amended. Claims 18-20 are new.

The amendments to the abstract, along with the Information Disclosure Statements

received on 1/24/08 have been acknowledged and entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
are such that the subject matter as a whole would have been obvious at the time the invention was made to
a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
negatived by the manner in which the invention was made.

Claims 1–7, 9-12, 14-18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Seidman et al. (US 6671358 A1), as supported by the provisional

(60/286309), in view of Shefi (6,445,794 B1).

Re claims 1, 18, Seidman et al. disclose a system for securing a Radio

Frequency (RF) transaction comprising: a RADIO FREQUENCY IDENTIFICATION

(RFID) transaction device operable to send RF transmission (*See e.g. col. 2, lines

36-42),* the transaction device including a database for storing a transaction device

identifier (*See e.g. col. 3, lines 37-39).*

Seidman et al. do not explicitly disclose a system comprising a transaction

device random number generator for generating a transaction device random number

; wherein the transaction device is validated based at least in part on the transaction

device identifier and the transaction device random number; the transaction device random number is converted to a validating code and then used to validate the transaction device.

However, Shefi discloses a system comprising the transaction device is validated based at least in part on the transaction device identifier and the transaction device random number (*See e.g. col. 4, lines 40-43*); wherein the transaction device is validated based at least in part on the transaction device identifier and the transaction device random number; the transaction device random number is converted to a validating code and then used to validate the transaction device (*See e.g. col. 6, lines 43-57*).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to modify Seidman et al., and include the steps comprising a transaction device random number generator for generating a transaction device random number ; wherein the transaction device is validated based at least in part on the transaction device identifier and the transaction device random number, as taught by Shefi, in order to further secure transactions and prevent unauthorized interception of valuable information.

Re claim 2, Seidman et al. disclose a system wherein further comprising: a RFID reader in communication with said transaction device; a merchant Point of Sale (POS) device in communication with said RFID reader (*See e.g. col. 2, lines 43-47*);

and an account authorizing agent in communication with said merchant POS (*See e.g. col. 17, lines 9-12*).

Re claims 3, 4 Seidman et al. disclose a system wherein said RFID reader comprises: a reader random number generator for producing a reader random number a system wherein said RFID reader further comprises: a processor in communication with said reader random number generator; and a system wherein a reader database for storing a RFID reader identifier (*See e.g. col. 13, lines 17-25*);

Re claim 5, Seidman et al. disclose a system wherein said transaction device random number generator is operable to provide said transaction device random number to said RFID reader, said reader operable to provide said transaction device random number to said POS, said POS configured to provide the transaction device random number to said account authorizing agent system (*See e.g. col.13, lines 17-25*).

Re claims 6, 9, 11, Seidman et al., disclose system wherein said RFID reader is operable to provide said transaction device identifier to said merchant POS (*See e.g. col. 22, lines 51-59*); wherein said authorizing agent system is configured to validate said transaction device identifier in accordance with said transaction device random number (*See e.g. col. 18, lines 42-51*).

Re claims 7 and 12, it would have been a design choice, at the time of the invention, to have at least one of said transaction device identifier and said transaction device random number provided to said RFID reader in track 1/track 2 International Standards Setting Organization format, in order to synchronize the system.

Re claim 10, Seidman et al. disclose a system wherein said RFID reader random number generator is operable to provide said reader random number to said POS, said POS configured to provide at least one of said transaction device random number, transaction device identifier, and reader RFID reader random number to said account authorizing agent system (*See e.g. col. 22, lines 48-59, col. 17, lines 9-12*).

Re claims 11 and 14, Seidman et al. disclose a system wherein said RFID reader is operable to provide at least one of said transaction device random number, transaction device identifier, and reader RFID reader random number to said merchant POS; a system wherein said authorizing agent system is configured to validate at least one of said transaction device and said RFID reader, in accordance with said at least one of said transaction device random number, transaction device identifier, and reader RFID reader random number transaction device random number (*See e.g. col. 17, lines 9-42*).

Re claim 15, Seidman et al. disclose a method for securing a transaction comprising the steps of: providing a transaction device, the transaction device including a random number generator; providing a transaction device random number generator for generating a transaction device random number; and validating the transaction device in accordance with the transaction device random number (*See e.g. col. 11, lines 64-67, col. 12, lines 1-5*).

Re claims 16 and 17, Seidman et al. disclose a method further including providing a transaction device reader, the reader including a reader random number generator; providing a reader random number generator for generating a reader random number; and validating at least one of the transaction device and the reader in accordance with at least one of the transaction device random number and the reader random number (*See e.g. col. 13, lines 17-25*).

Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman et al. (US 6671358 A1), as supported by the provisional (60/286309), in view of Shefi (6,445,794 B1), in further view of Official Notice.

Re claims 8 and 13, Seidman et al., in view of Shefi, do not explicitly disclose a system wherein at least one of said transaction device identifier and said transaction device random number is provided to said RFID reader in POS pre-defined format.

However the Examiner takes Official Notice that it is well known in the art that a recognizable format should be provided to a receiving system in a network.

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to include a transaction device identifier and wherein said transaction device random number is provided to said RFID reader in POS pre-defined format, in order to synchronize the system.

Claims 19–20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman et al. (US 6671358 A1), as supported by the provisional (60/286309), in view of Shefi (6,445,794 B1), in further view of Simms III (6,438,235 B2).

Re claims 19 and 20, Seidman et al. do not explicitly disclose a method wherein the transaction device random number is converted to a validating code and then used to validate the transaction device; a new transaction device random number is generated for each transaction.

However, Simms et al. disclose a method wherein the transaction device random number is converted to a validating code and then used to validate the transaction device *(see e.g. col. 8, lines 59-67);* a new transaction device random number is generated for each transaction *(see e.g. col. 18, lines 15-17).*

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to modify Seidman et al. and include a method wherein the transaction device random number is converted to a validating code and then used to validate the transaction device; a new transaction device random number is generated for each transaction, as taught by Simms et al., in order to alter the

authentication process in such a way that only authorized devices can communicate with each other.

Response to Arguments

Applicant's arguments with respect to the previous claims have been considered, but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luna Champagne whose telephone number is (571) 272-7177. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/   Luna Champagne
Supervisory Patent Examiner, Art Unit 3627   Examiner
                                                           Art Unit 3627

February 12, 2008